**D.B.HABEAS CORPUS PETITION NO.2306/2006**
**(Kishan Lal vs. State of Rajasthan & Ors.)**

DATE OF ORDER:29.05.2006

**HON'BLE MR.JUSTICE N.N.MATHUR**
**HON'BLE MR.JUSTICE MANAK MOHTA**

Mr.Sandeep Shah, for the petitioner
Mr.S.K.Vyas, Government Advocate
Mr.K.R.Deval,Mr.N.K.Bohra,Mr.S.R.Sharma,for the respondents

**BY THE COURT(PER HON'BLE MR.MATHUR J.)**

The instant habeas corpus petition has been filed by one Kishan Lal for production of corpus i.e. his daughter Mst.Nirmala. It is averred that Mst.Nirmala was kidnapped by the 3rd respondent Rohit Parihar on 8th July, 2005. The petitioner filed a F.I.R. in that regard which was registered as F.I.R.Case No.150/2005 for offence under Section 366 I.P.C. at Police Station, Dabok. During investigation, police recorded statement of Mst.Nirmala. She disclosed her date of birth as 2nd October, 1981. It was also stated that she has undertaken Course of ANM (Nurse). She made a complaint against her parents that they wanted to forcibly arrange her marriage in the State of U.P. Therefore, she left the house on her own. She also stated that she was staying with one lady closely known to her namely Kanchan. She denied allegation of kidnapping by Rohit Parihar. An application was filed before the court of Chief Judicial

Magistrate, Udaipur for recording her statement under Section 164 Cr.P.C. The said application was rejected by order dated 21st July, 2005. The police after investigation submitted final report, which was accepted by the order of the Additional Chief Judicial Magistrate, Mawli dated 7.10.2005. Mst.Nirmala expressed her desire to stay with Smt.Kanchan. Thus, she was allowed to move as per her own choice.

Pursuant to the directions of this Court, Mst.Nirmala appeared before us on 23rd May, 2006. We interrogated her in Chamber. She was not prepared to disclose information on material points. We found that she was under pressure. We considered it appropriate to give her time for reflection. Accordingly, we directed that Mst.Nirmala be kept in `Aapchari Balika Grah', Social Welfare Department, behind Mandore Police Station, Jodhpur. We also directed the Superintendent of Police, C.I.D.(CB), Jodhpur to hold an inquiry as to the relation of Mst.Nirmala with Rohit Parihar or anybody else.

Pursuant to the directions of this Court the Additional Superintendent of Police, C.I.D. (Crime Branch), Jodhpur has submitted the report. Rohit Parihar has also appeared before us. On consideration of the entire material, we find that Mst.Nirmala is living out of custody of her parents on her own choice. She

has lot of complaints against her father. She is not prepared to stay with her father petitioner Kishan Lal. Petitioner Kishan Lal has not appeared on any of the dates before this Court. Mst.Nirmala cannot be compelled to go with the petitioner. As regards allegations against Rohit Parihar, we find no substance therein. There is no material on the basis of which it can be said that Rohit Parihar has detained Mst.Nirmala against her wishes.

As Mst.Nirmala cannot be said to be under illegal detention, the instant habeas corpus petition does not survive. As already stated Mst.Nirmala is major, she is entitled to lead her life the way she likes. She has expressed that she still have an apprehension that she may be harassed by her father, relatives and his friends. Accordingly, we direct the Superintendent of Police, Udaipur to extend the police protection, if she desires so. The petition stands disposed of.

**(MANAK MOHTA) J.** **(N.N.MATHUR) J.**

BKS/-